



1022551

7003 2260 0001 7779 8472

Sent To Scott V. Williams

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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**U.S. Postal Service<sup>TM</sup>**  
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## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Scott V. Williams  
 V.P. & Asst. General Counsel  
 La Quinta Inns  
 909 Hidden Ridge, Suite 600  
 Irving, TX 75038

JUL 29 2005

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>x [Signature]</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery <i>[Signature]</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

JUL 27 2005

Ref: 8ENF-RC

**NOTICE OF POTENTIAL LIABILITY FOR REMOVAL ACTION  
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Scott V. Williams  
Vice President and Asst. General Counsel  
La Quinta Inns  
909 Hidden Ridge, Suite 600  
Irving, TX 75038

Re: Vermiculite Intermountain Site (08-GA)  
Salt Lake City, Utah

Dear Mr. Williams:

This letter confirms notification of potential liability, as defined by section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607 (a), as amended (CERCLA), that you may have incurred with respect to the Vermiculite Intermountain site, located in Salt Lake City, Utah ("Site"). Prior oral notification of potential liability was given to each party during conference calls in April and May of this year.

**NOTICE OF POTENTIAL LIABILITY**

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the Site. EPA has spent public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party (PRP) or parties will properly perform and/or finance the remaining response actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Section 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural



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resources. EPA has previously entered into an administrative order on consent pursuant to Section 106(a) of CERCLA to PacifiCorp (CERCLA 08-2004-0017, dated 8/11/04) which required PacifiCorp to perform cleanup activities on its property. The majority of work under that Order has been completed.

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that you may be a PRP with respect to this Site. PRPs under CERCLA include current and former owners and operators of the Site as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to perform or finance those response activities that EPA determines are necessary at the Site.

In accordance with CERCLA and other authorities, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include removal site evaluation and investigation activities, as well as cleanup actions. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

#### DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct and/or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. It is EPA's policy not to use the special notice procedures for removals unless there is a 6-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than 6 months, special notice procedures will not be used.

#### DEMAND FOR PAYMENT

With this letter, EPA demands that you reimburse EPA for its costs incurred to date. In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include assessment, investigation, and removal activities at the Site. The costs incurred at the Site through May 31, 2005 are approximately \$2,340,234.95. In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the above amount plus any and all interest recoverable under Section 107 or under any other provisions of law. You are potentially liable for additional costs that have been incurred by EPA at the Site, but are not yet reflected in EPA's accounting systems, and costs for any EPA conducted additional activities at the Site, plus interest.

## ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a Site. The administrative record files, which contain the documents related to the response action selected for this Site, is currently available to the public for inspection at the EPA Region 8 office at the following address:

EPA Region 8 - Superfund Records Center  
999 18<sup>th</sup> Street, 5<sup>th</sup> floor  
Denver, CO 80202

And is also available at the:

Salt Lake City Library  
210 East 400 South  
Salt Lake City, UT 84111-2804  
Attn: Anne Menzies

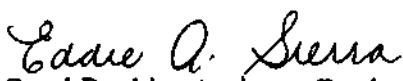
## PRP RESPONSE AND EPA CONTACT

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

U.S. Environmental Protection Agency  
Matthew Cohn, Senior Enforcement Attorney, 8ENF-L  
Office of Enforcement, Compliance and Environmental Justice  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202

If you or your attorney have any questions pertaining to this matter, please direct them to Matthew Cohn, 303-312-6853.

Sincerely,

*for*   
Carol Rushin, Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

cc: Robin Main, Esq.  
Holland & Knight  
One Financial Plaza  
Providence, RI 02903

Matthew Cohn, ENF-L  
Kelcey Land, ENF-RC  
Joyce Ackerman, EPR-PAER